



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS HOWARD,

Plaintiff,

-against-

CORRECTIONAL OFFICER YOUNG
#12344, et al.,

Defendants.

No objections having been filed, and the Court having determined there is no clear error in the Report and Recommendation, the Court adopts the Magistrate Judge's recommendation. The case is dismissed on the grounds that it has been abandoned, without prejudice. The Clerk of Court is directed to close the case. Pursuant to 28 U.S.C 1915(a), I find that any appeal from this order would not be taken in good faith. So Ordered. Copies Mailed By Chambers.

12 Civ. 1176 (PAC) (HBP)

REPORT AND
RECOMMENDATION

SO ORDERED

HON. PAULA CROTTY
UNITED STATES DISTRICT JUDGE

2-25-13

PITMAN, United States Magistrate Judge:

TO THE HONORABLE PAUL A. CROTTY, United States
District Judge,

The pro se plaintiff commenced this action on February 14, 2012 by filing a summons and complaint. On April 26, 2012, I mailed a copy of an endorsed Order to plaintiff; it was subsequently returned to my chambers marked "Discharged" on the envelope.

On May 7, 2012, plaintiff filed a change of address form with the Clerk's Office, noting his new address in the Bronx, New York. However, on September 12, 2012, counsel for defendant The City of New York, contacted my staff advising me that Mr. Howard was re-incarcerated and was then being housed at the Otis Bantum Correctional Center in East Elmhurst, New York.

MEMO ENDORSED